REMARKS

Claims 1-12 and 14-31 are currently pending in this application. Claims 1, 17, 23, 24, and 26 are amended. Claims 8 and 14-16 are cancelled. Accordingly, claims 1-7, 9-12, and 17-31 will be pending after entry of this amendment.

Support for the amendments is found throughout the specification and claims as originally filed. For example, support for the amendment to claims 1, 17, 23, 24, and 26 is found in original claim 8. No new matter is added.

Information Disclosure Statements

Applicant respectfully requests the Examiner's consideration of the references cited in the Information Disclosure Statement filed on September 30, 2008.

35 U.S.C. § 103(a)

Claims 1-12 and 14-31 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,567,783 to Notani et al. (hereinafter "Notani") in view of U.S. Patent No. 6,928,396 to Thackston (hereinafter "Thackston"). Applicant respectfully disagrees and requests reconsideration in light of the amendments and remarks herein.

Claims 1-7, 9, 10, 17-21, 23, 30, and 31

Applicant respectfully asserts that amended claims 1-10, 17-21, 23, 30, and 31 are not obvious in light of Notani and Thackston because neither Notani nor Thackston teach or suggest presenting other application state files from other clients to a user and allowing the user to delay the instantiation of the other application state files until a time determined by the user, as currently claimed.

Independent claims 1, 17, 23, 24, and 26 recite presenting other application state files from other clients to a user and allowing the user to delay the instantiation of the other application state files. The Office Action at page 3 alleges that column 5, lines 51-53 of Notani discloses this feature.

When viewed in the context of the adjacent text and corresponding drawing, it is clear that Notani does not teach or suggest presenting other application state files from other clients to a user and allowing the user to delay the instantiation of the other application state files. The relevant text and FIG. 5 are reproduced below:

FIG. 5 is a block diagram of one embodiment of the use of a global collaboration workspace **30** . In FIG. 5 , global collaboration workspace **30** provides the primary entity used to share data/objects between the various entities in the collaboration. As shown, workspace **30** can interface with global collaboration managers (GCMs) **32** , a local system **34** , a web server **36** and web interface **37** and native applications **38** . In general, objects can be placed into global collaboration workspace **30** by one entity and retrieved by another entity. Retrieval can be achieved either by querying or by subscription. In this way, global collaboration workspace **30** combines the attributes of a database as well as a message bus.

The global collaboration workspace can be organized as a hierarchy of slots which can be in-memory or persistent. Slots also can be queued or regular, and fine grained permissibilities can be attached to each slot. The permissibilities can be assigned by-user-by-operation. The primary operations can be read, write, take, and subscribe.

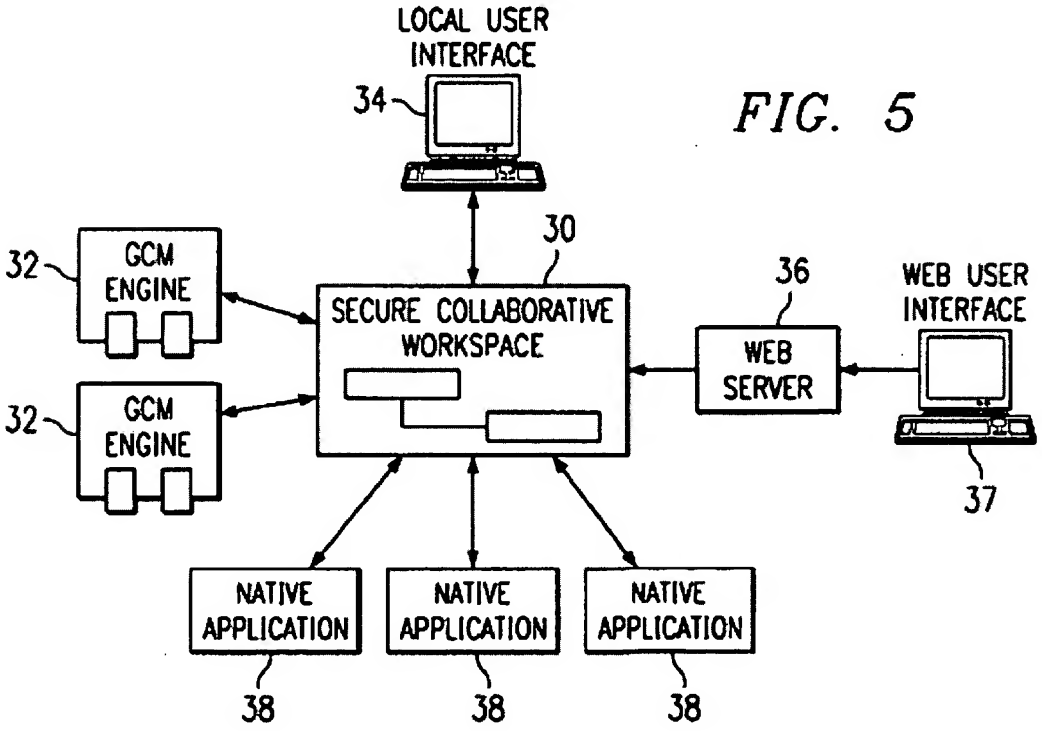

FIG. 5

Notani provides a "global collaborative workspace" 30 in which "objects can be placed [...] by one entity and retrieved by another entity." Notani, col. 5, lines 42-44. Essentially, Notani provides an object sharing device accessible through operations such as "read", "write", "take", and "subscribe". Id., col. 5, lines 52-53. However, neither the provision of a global collaborative workspace or the above-referenced

operations teaches or suggests presenting other application state files from other clients to a user and allowing the user to delay the instantiation of the other application state files until a time determined by the user.

Indeed, the operations provided by Notani fall short of the benefit provided by the claimed invention. A mere subscription to the global collaborative workspace of Notani will result in the overwriting of a design whenever another user changes another aspect of the design. Likewise, the use of a read function requires the active polling of Notani's global collaborative workspace to determine when other users update the design. This requires consistent attention by the user and/or the system used by the user and potentially deprives the user of the benefit of design changes.

Thackston fails to cure these defects. Thackston is directed to a "networked, virtual, collaborative environment for three phases of an engineering development: (1) the design and development phase [...]; (2) the identification and evaluation of qualified fabricators or manufacturers for a design [...], and (3) the solicitation and evaluation of requests for proposals or quotes from qualified bidders". Thackston, col. 8, lines 46-62.

As reflected in the Office Action, Thackston does not teach or suggest allowing a user to delay the instantiation of an application state file as currently claimed.

The claimed invention transcends the deficiencies of Notani and Thackston by presenting other application state files from other clients to a user and allowing the user to delay the instantiation of the other application state files until a time determined by the user. The claimed invention apprises the user of design changes by other users but still allows the user to delay the instantiation of such a change until a time determined by the user, *e.g.* until the user completes a task that may be affected by such a change.

Moreover, the ability to selectively load application state files allows for a user to work on a first aspect of the electrical or mechanical assembly before loading changes made to a second aspect by another user. See originally-filed application at [0038]. Moreover, the selective loading of applications allows for management review and user training. *See* originally-filed application at [0041].

Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claims 1-7, 9, 10, 17-21, 23, 30, and 31 under 35 U.S.C. § 103(a).

Claims 11, 12, and 22

Applicant respectfully asserts that claims 11, 12, and 22 are not obvious in light of Notani and Thackston because neither Notani nor Thackston teach or suggest providing asynchronous training to a user by transmitting a journal file containing at least one application state file and a interactive instructions.

Neither Notani or Thackston discuss educational features of their respective inventions. While Thackston's software can store information regarding a user's certifications, neither Thackston nor Notani teach or a suggest systems or methods for providing interactive instructions for manipulating electrical or mechanical assemblies as claimed.

The Office Action at page 6 takes official notices "that it was known at the time of invention to train users via a network." Applicant respectfully asserts that this use of official notice is improper under the Administrative Procedure Act and the guidelines set forth in MPEP § 2144.03.

Official notice "should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known." MPEP § 2144.03(A). As stated succinctly by the Court of Customs and Patent Appeals, "The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of [official] notice." In re Eynde, 480 F.2d 1364, 1370, 178 U.S.P.Q. 470, 474 (C.C.P.A. 1973), cited in MPEP § 2144.03(A). Moreover, the circumstance in which official notice is relied on in a final office action (as is presently the case) "should be rare". MPEP § 2144.03(A).

The Office Action relies on official notice to establish that it was known in the prior art at the time of the invention "to train users via a network." This statement is certainly "subject to the possibility of rational disagreement among reasonable men" and Applicant should be afforded the opportunity to test this assertion by reviewing prior art that corroborates this statement and which may militate against a finding of obviousness (*e.g.* by teaching away from a combination with Notani and/or Thackston).

Applicant's claimed invention provides a significant and non-obvious advantage over prior art systems such as those discussed in Notani and Thackston. Computer-aided design (CAD) systems are complex systems that require significant training

before a user becomes truly proficient. Applicant's claimed invention provides for the asynchronous training of users without the need for a live presentation, thereby reducing costs and allowing greater flexibility.

Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claims 11, 12, and 22 under 35 U.S.C. § 103(a).

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

Applicant believes that no fees or extensions are required other than fee for a one-month extension of time under 37 C.F.R. § 1.17(a)(1). However, if for any reason the authorized fee is inadequate, the Office is conditionally authorized and requested to charge Deposit Account No. **04-1105** under order number 2012(220768). Also, the Office should consider this a conditional petition for the proper extension period needed to have this response entered and considered, if any.

Dated: February 2, 2009

Respectfully submitted,

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